

HOUSE BILL No. 1718

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-2-3; IC 11-12-2-9.

Synopsis: County copayment for juvenile detention. Repeals the authority of the department of correction to charge a county 50% of the costs of keeping a delinquent offender committed to the department. Makes a related change to the community correction program.

Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Ways and Means.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1718

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-12-2-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) A county
3 receiving financial aid under this chapter shall be charged a sum for
4 each person committed to the department of correction and confined in
5 a state correctional facility equal to seventy-five percent (75%) of the
6 average daily cost of confining a person in certain state correctional
7 facilities as calculated by the state board of accounts. The daily cost is
8 determined by dividing the average daily population of the state prison,
9 the Pendleton Correctional Facility, and the Putnamville Correctional
10 Facility into the previous fiscal year's operating expense of those three
11 (3) facilities and reducing the quotient to an average daily cost.
12 However, no charge may be made for those persons:
13 (1) convicted of:
14 (A) murder or a Class A or Class B felony;
15 (B) involuntary manslaughter, reckless homicide, battery,
16 criminal confinement, child molesting, robbery, burglary, or
17 escape as Class C felonies;



- 1 (C) any other felony resulting in bodily injury to any other
 2 person;
 3 (D) any other felony committed by means of a deadly weapon;
 4 (E) any felony for which ~~an~~ a habitual offender sentence was
 5 imposed;
 6 (F) any offense for which the sentence is nonsuspendible
 7 under IC 35-50-2-2(a); or
 8 (G) dealing in marijuana as a Class D felony under
 9 IC 35-48-4-10(b)(1)(B) or a Class C felony under
 10 IC 35-48-4-10(b)(2);
 11 (2) transferred to the department of correction after they have
 12 violated the terms of their community corrections sentence; or
 13 (3) who were charged with:
 14 (A) a felony resulting in serious bodily injury; or
 15 (B) a felony committed by means of a deadly weapon;
 16 and the sentencing court noted on the commitment order that such
 17 charges were dismissed pursuant to a plea agreement under
 18 IC 35-35-3.
 19 (b) The amount charged a county under this section may not exceed
 20 the amount of financial aid received under this chapter. The amount
 21 charged shall be deducted from the subsidy payable to the participating
 22 county. All charges are a charge upon the county of original
 23 jurisdiction.
 24 (c) Notwithstanding subsection (a), if a county receives financial aid
 25 under this chapter for a program or a facility for persons convicted of
 26 crimes but has not received financial aid under this chapter for a
 27 program or a facility for delinquent offenders, the costs of keeping
 28 delinquent offenders in state programs or facilities operated by the
 29 department of correction shall be paid ~~under IC 11-10-2-3:~~ **by the**
 30 **department of correction.**
 31 (d) Notwithstanding subsection (a), if a county receives financial aid
 32 under this chapter for a program or a facility for delinquent offenders
 33 but has not received financial aid under this chapter for a program or
 34 a facility for persons convicted of crimes, the costs of keeping persons
 35 convicted of crimes in state programs or facilities operated by the
 36 department of correction shall be paid by the department of correction.
 37 (e) Notwithstanding subsection (a), no charge may be made for:
 38 (1) the initial twelve (12) months of the county's participation in
 39 the subsidy program;
 40 (2) each month during which:
 41 (A) the county maintains a residential facility or a portion of
 42 a residential facility as part of its community corrections plan;

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- 1 and
 2 (B) the residential facility or the community corrections
 3 portion of the residential facility operates at the rated bed
 4 capacity specified in the county's community corrections plan;
 5 or
 6 (3) each month during which a county that has no residential
 7 facility as part of its community corrections plan operates a
 8 community corrections program at the offender-supervisor ratio
 9 specified by the plan.
 10 (f) A county fulfills the rated bed capacity requirement of subsection
 11 (e)(2) if the following conditions are met:
 12 (1) Each bed used in the calculation of rated bed capacity must be
 13 filled each day of the month unless a vacancy occurs because of
 14 the release, escape, or incarceration of the bed's occupant.
 15 (2) A vacancy that occurs because of the release, escape, or
 16 incarceration of the occupant of a bed used in the calculation of
 17 rated bed capacity must be filled within two (2) days after its
 18 occurrence.
 19 (g) A county fulfills the offender-supervisor ratio requirement of
 20 subsection (e)(3) if the following conditions are met:
 21 (1) Each opening used in the calculation of the
 22 offender-supervisor ratio specified in the community corrections
 23 plan must be filled each day of the month unless a vacancy occurs
 24 because of the release, escape, or incarceration of an offender.
 25 (2) A vacancy that occurs because of the release, escape, or
 26 incarceration of an offender must be filled within two (2) working
 27 days after its occurrence.
 28 SECTION 2. IC 11-10-2-3 IS REPEALED [EFFECTIVE JULY 1,
 29 1999].

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